

Remarks

In the Decision of Appeal by the Board of Appeals and Interferences dated March 31, 2006, the decision of the Examiner rejecting claims 11, 13, 17, 65 and 66 under 35 U.S.C. § 102(b) based on Kobey was sustained. In addition, the rejection of claims 39 and 67 under 35 U.S.C. § 103(a) based on Kobey in view of Thagard was sustained. The rejection of claim 73 under 35 U.S.C. § 102(b) based on Kobey was reversed, as was the rejection of claims 10 and 40 under 35 U.S.C. § 103(a) based on Kobey in view of Thagard. The rejection of claim 72 under 35 U.S.C. § 103(a) based on Kobey in view of MoTrim was not sustained, nor was the rejection of claims 68 and 69 under 35 U.S.C. § 103(a) based on Kobey and Fassauer. Also, the rejection of claims 19, 40, 70 and 71 under 35 U.S.C. § 103(a) based on Kobey, Fassauer and Thagard was not sustained. Finally, the rejection of claim 68-71 under 35 U.S.C. § 112, second paragraph was not sustained.

In view of the foregoing Decision, applicant herewith submits an amendment. In the amendment, claim 65 is cancelled without prejudice and claims 11, 13, 17, 66 and 67 are amended. New claims 74-84 are added. Each set of claims will be discussed in turn.

Independent Claim 68 and Dependent Claims 19, 40 and 69-71

In view of the Board's Decision, these claims are patentable.

Independent Claim 72 and Dependent Claims 74-78

Independent claim 72 was held patentable by the Board.

Applicant presents herewith new dependent claims 74-78, all of which depend, at least ultimately, from claim 72. In this connection, claims 74 and 75 recite an actuating member (claim 74) and that the actuating member comprises a hydraulic cylinder and piston (claim 75). This subject matter is amply supported by the specification as filed and no new matter is being added.

New dependent claim 76 recites that a flap depends from the guard. Claim 77 recites that a side wall depends from the deck front side. This subject matter is also amply supported by the specification as filed. For example, flap 86 is illustrated in Figure 3B and Figure 6. Similarly, a side wall 64 is illustrated in, e.g., Figures 6 and 3A. The specification notes that side wall 64 comprises a flap which is flexible and moves out of the way when cutting is performed (see page 9, lines 7-9). Thus, no new subject matter is being added.

Applicant also submits herewith a new dependent claim 78. This claim recites that the guard comprises a plurality of discretely angled sections. No new subject matter is being added. More particularly, a guard including a plurality of discretely angled sections is recited in allowed claim 68. Moreover, claim 78 is believed to be in condition for allowance over all of the art of record.

It is respectfully submitted that new dependent claims 74-78 are patentable over the cited art.

Independent Claim 73 and Dependent Claims 79-83

Independent claim 73 was held patentable by the Board.

Applicant presents herewith new dependent claims 79-83. All of these claims depend, at least ultimately, from claim 73. In this connection, claims 79 and 80 recite an actuating member (claim 79) and that the actuating member comprises a hydraulic cylinder and piston (claim 80). Dependent claim 81 recites that a flap depends from the guard. Dependent claim 82 recites that a side wall depends from the deck first side. Finally, dependent claim 83 recites that the guard comprises a plurality of discretely angled sections.

For the reasons detailed above in connection with new dependent claim 74-78, it is respectfully submitted that no new subject matter is being added by these claims and that the claims are patentable over the cited art.

Independent Claim 84 and Dependent Claims 10, 11, 13, 17, 39, 66 and 67

Applicant herewith submits a new independent claim 84. This claim recites a mower head comprising a deck having at least three sides and including a front side. At least one cutting blade is rotatably mounted to the deck. The mower head of claim 84 also includes a guard assembly comprising a hinge extending at an angle between the front side and an adjacent side of the deck. A guard is pivotably attached to the deck via the hinge. The guard forms a first front corner of the deck. The first front corner is movable in relation to the deck. The deck comprises a second front corner which is non-movable in relation to the deck. The second front corner is defined by the front side and an adjacent side of the deck.

The subject matter of claim 84 is clearly illustrated in, e.g., Figure 6 of the drawings. Thus, no new subject matter is being added herewith. More specifically, the instant patent application clearly describes the guard being lifted out of a cutting path of the mower head through a pivoting motion along the hinge 110; at an angle with respect to a path of travel of the deck as shown in Figure 6 (see the instant specification, page 10, lines 15-20).

Moreover, it is respectfully submitted that claim 84 patentably defines over the applied references of Kobey, Thagard, MoTrim and Fassauer. As the Board noted in connection with claim 73, Kobey does not show separate first and second corners of a mower deck, wherein one corner is defined by a guard which is pivotally attached to the deck and another corner is non-movable in relation to the deck. Thus, claim 84 is believed to be in condition for allowance over Kobey, as well as all of the art of record.

Dependent claims 10, 11, 13, 17, 39, 66 and 67 all depend, at least ultimately, from claim 84. It is therefore respectfully submitted that these claims are also in condition for allowance over the art of record.

In view of the foregoing, it is respectfully submitted that all of the pending claims

are in condition for allowance over the art of record. Such allowance is earnestly solicited.

Respectfully submitted,

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